

Appl. No. : 10/525,313
Amdt. Dated: August 20, 2007
Reply to Office Action of March 19, 2007

RECEIVED
CENTRAL FAX CENTER

AUG 20 2007

REMARKS

Claims 1-21 stand rejected. Claim 1 has been amended while claims 18-21 have been cancelled herein. Therefore, claims 1-17 are pending and at issue.

Claims 1-3, 5-12 and 17 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Augustine et al. This rejection should be withdrawn as Augustine et al. fails to disclose or suggest one or more features recited in claim 1, as amended.

Specifically, claim 1 has been amended to recite, amongst other structure, that the base and side portions define a fluid impervious region which in use surrounds a volume of liquid which forms a pool at a base of the apparatus. This structure is simply neither disclosed nor suggested in Augustine et al. Instead, Augustine et al. describes an inflatable thermal blanket which is intended to be draped over a patient lying on a table. There is an air space between the patient and the blanket which the Office Action asserts is an evaporation chamber. However, if any liquid were to accumulate in the alleged chamber, it would simply run off the table and onto the floor as there is no fluid impervious joint between the blanket and the table. Further, the blanket is open around the shoulder and head region of the patient whereby water could flow out of the chamber. Thus, Augustine et al. fails to disclose or suggest that the base and side portions define a fluid impervious region which in use surrounds a volume of liquid which forms a pool at a base of the apparatus, as recited in amended claim 1. Therefore the rejection of claim 1, as well as dependent claims 2, 3, 5-12 and 17 should be withdrawn and the claims allowed.

Claims 4, 13 and 14-16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Augustine et al. in view of Strussion et al., Augustine et al. and Augustine et al. in view of Gaugler. As discussed *supra*, Augustine et al. fails to disclose or suggest one or

Appl. No. : 10/525,313
Amdt. Dated: August 20, 2007
Reply to Office Action of March 19, 2007

RECEIVED
CENTRAL FAX CENTER

AUG 20 2007

more features recited in amended claim 1. Specifically, Augustine et al. fails to disclose or suggest that the base and side portions define a fluid impervious region which in use surrounds a volume of liquid which forms a pool at a base of the apparatus. Strussion et al. and Gaugler add nothing in this regard. Claims 4, 13 and 14-16 depend from and more specifically recite the structure of independent claim 1. Therefore, as each of the cited references, taken either alone or in combination, fails to disclose or suggest one or more recited features in claims 4, 13 and 14-16, the rejections should be withdrawn and the claims allowed.

CONCLUSION

Applicants respectfully request entry of the present amendment, reconsideration of the rejection of claims 1-17 and allowance of the case. If any fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (37388-404800) on the account statement.

Respectfully submitted,

By 

Joseph H. Herron
PTO Reg. No. 53,019
Seyfarth Shaw LLP
Attorneys for Assignee
131 South Dearborn Street
Suite 2400
Chicago, Illinois 60603-5577
312-460-5000
312-460-7000 (fax)